

**UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT OF NEW YORK**

PIRELLI ARMSTRONG TIRE  
CORPORATION RETIREE MEDICAL  
BENEFIT TRUST, Derivatively On Behalf  
of Macy's Inc.,

Plaintiffs,

vs.

TERRY J. LUNDGREN, KAREN M.  
HOGUET, SARA LEVINSON, CRAIG E.  
WEATHERUP, JOSEPH NEUBAUER,  
JOSEPH A. PICHLER, JOYCE M. ROCHE,  
MEYER FELDBERG, MARNA C.  
WHITTINGTON, KARL M. VON DER  
HEYDEN AND WILLIAM P. STIRITZ,

Defendants,

-and-

MACY'S, INC, a Delaware Corporation,  
Nominal Defendant.

Case No. 1:07-cv-05862-RJH

ECF Case

**NOTICE OF MOTION TO ADMIT  
JOHN M. NEWMAN JR. PRO HAC  
VICE**

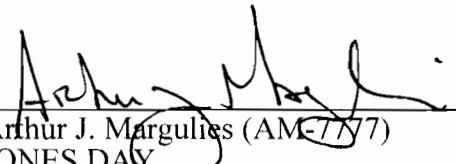
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Arthur J. Margulies, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of:

Applicant's Name:	John M. Newman Jr.
Firm Name:	Jones Day
Address:	North Point 901 Lakeside Avenue Cleveland, OH 44114
Phone Number:	(216) 586-7207
Fax Number:	(216) 579-0212
Email:	jmnewman@jonesday.com

John M. Newman Jr. is a member in good standing of the bars of the States of California, Illinois and Ohio. There are no pending disciplinary proceedings against Mr. Newman in any State or Federal Court.

Dated: July 30, 2007  
New York, New York

Respectfully submitted



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Arthur J. Margulies (AM-777)  
JONES DAY  
222 East 41st Street  
New York, NY 10017-6702  
Telephone: (212) 326-3939  
Facsimile: (212) 755-7306  
Email: [ajmargulies@jonesday.com](mailto:ajmargulies@jonesday.com)

*Attorney for Defendants Terry J. Lundgren,  
Karen M. Hoguet, Sara Levinson, Craig E.  
Weatherup, Joseph Neubauer, Joseph A.  
Pichler, Joyce M. Roche, Meyer Feldberg,  
Marna C. Whittington, Karl M. Von Der  
Heyden and William P. Stiritz*

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**AFFIDAVIT OF ARTHUR J.  
MARGULIES IN SUPPORT OF  
MOTION TO ADMIT JOHN M.  
NEWMAN JR. PRO HAC VICE**

State of New York )

) ss:  
County of New York )

Arthur J. Margulies, being duly sworn, hereby deposes and says as follows:

1. I am an associate with Jones Day, counsel for defendants Terry J. Lundgren, Karen M. Hoguet, Sara Levinson, Craig E. Weatherup, Joseph Neubauer, Joseph A. Pichler, Joyce M. Roche, Meyer Feldberg, Marna C. Whittington, Karl M. Von Der Heyden and William P. Stiritz ("Defendants") in the above-captioned case. I am familiar with this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit John M. Newman Jr. as counsel pro hac vice to represent Defendants in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on April 19, 2004. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. John M. Newman Jr. is a partner with Jones Day. His business address is North Point, 901 Lakeside Avenue, Cleveland, Ohio 44114.

4. Certificates of Good Standing issued to Mr. Newman by the Supreme Court of California, The Bar of Illinois and the Supreme Court of Ohio, are annexed hereto as Exhibit A.

5. I have found Mr. Newman to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

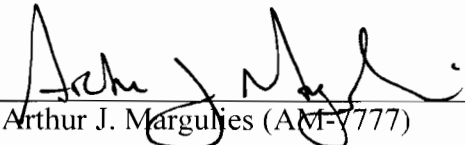
6. Accordingly, I am pleased to move the admission of John M. Newman Jr., pro hac vice.

7. I respectfully submit a proposed order granting the admission of John M. Newman Jr., pro hac vice, which is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit John M. Newman Jr., pro hac vice, to represent Defendants in the above-captioned matter, be granted.

Dated: July 30, 2007  
New York, New York

Respectfully submitted

  
Arthur J. Margulies (AM-777)

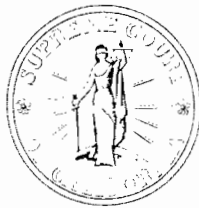
Sworn to before me this 30<sup>th</sup>  
day of July, 2007

  
Notary Public

My Commission Expires

DANIELLE HOLLAND  
NOTARY PUBLIC, State of New York  
No. 01HO4944537  
Qualified in New York County  
Commission Expires November 21, 2010

## **EXHIBIT A**



# Supreme Court of California

FREDERICK K. OHLRICH

*Clerk of the Court*

## CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

**JOHN MARSHALL NEWMAN, JR.**

*I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that JOHN MARSHALL NEWMAN, JR. was on the 14TH day of DECEMBER 1972, duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that his name now appears on the Roll of Attorneys as a member of the bar of this state in good standing.*

*Witness my hand and the seal of the court,  
this 26th day of JULY, 2007.*

FREDERICK K. OHLRICH

*Clerk of the Supreme Court*

By

A handwritten signature in cursive script, reading "Joseph Cornetta".

*Joseph Cornetta, Deputy Clerk*

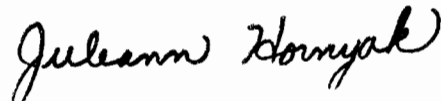
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

John Marshall Newman, Jr.

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on May 19, 1970 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto  
placed my hand and affixed the seal  
of said Supreme Court, at Springfield,  
in said State, this Thursday, July 26, 2007.

A handwritten signature in black ink, reading "Juleann Hornyak". The signature is written in a cursive, flowing style.

Clerk

# The Supreme Court of Ohio

## C E R T I F I C A T E

I, RICHARD A. DOVE, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Registration & CLE of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

John Marshall Newman Jr.

was admitted to the practice of law in Ohio on February 04, 1976; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 25th day of July, 2007.

RICHARD A. DOVE  
*Director, Attorney Services Division*

  
Kim M. Moore  
*Attorney Registration Assistant*



## **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
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MACY'S, INC, a Delaware Corporation,  
Nominal Defendant.

) Case No. 1:07-cv-05862-RJH

) ECF Case

) **ORDER TO ADMIT JOHN M.  
NEWMAN JR. PRO HAC VICE**

Upon the motion of Arthur J. Margulies, attorney for defendants Terry J. Lundgren, Karen M. Hogue, Sara Levinson, Craig E. Weatherup, Joseph Neubauer, Joseph A. Pichler, Joyce M. Roche, Meyer Feldberg, Marna C. Whittington, Karl M. Von Der Heyden and William P. Stiritz ("Defendants"), and said sponsor attorney's affidavit in support, **IT IS HEREBY ORDERED** that:

Applicant's Name:	John M. Newman Jr.
Firm Name:	Jones Day
Address:	North Point 901 Lakeside Avenue Cleveland, OH 44114
Phone Number:	(216) 586-7207
Fax Number:	(216) 579-0212
Email:	jmnewman@jonesday.com

is admitted to practice pro hac vice as counsel for Defendants in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated: \_\_\_\_\_, 2007

\_\_\_\_\_  
United States District Judge

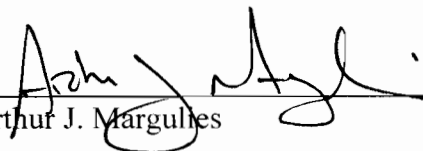
**CERTIFICATE OF SERVICE**

The foregoing documents were served on the following counsel of record on July 31,  
2007 via U.S. Mail:

Thomas G. Amon  
Law Offices of Thomas G. Amon  
500 Fifth Avenue, Suite 1650  
New York, NY 10110  
Telephone: (212) 810-2431  
Facsimile: (212) 810-2427  
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George E. Barrett  
Douglas S. Johnston, Jr.  
Timothy L. Miles  
Barrette, Johnsn & Parsley  
217 Second Avenue North  
Nashville, TN 37201  
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Brian James Robbins  
Jeffrey Paul Fink  
Ashely R. Palmer  
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610 West Ash St., Suite 1800  
San Diego, CA 92101  
Telephone: (619) 525-3990  
Facsimile: (619) 525-3991  
Email: [notice@ruflaw.com](mailto:notice@ruflaw.com)

  
\_\_\_\_\_  
Arthur J. Margulies